

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

James Carter, III, #179230,

Plaintiff,

vs.

Steve Brown, Greenwood City
Administrator; and Lt. David Gurley,
Greenwood City Police Department,

Defendants.

C.A. No.: 8:07-04010-RBH

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. The court notified the plaintiff on January 4, 2008 [entry #9] directing him to notify the court in writing of any change of address. The plaintiff did in fact notify the court in writing of a change of address [entry #18] on February 4, 2008.

However, the plaintiff did not respond to the motion for summary judgment or the Roseboro Order which were mailed to him in July of 2008. Nor did he respond to the Order of the Magistrate Judge giving him until October 2, 2008 to file a response to the motion for summary judgment. The Report and Recommendation was mailed to the plaintiff at his last known address on October 8, 2008 [entry # 37], but the plaintiff has filed no objections to the Report. The plaintiff has failed to comply with the court's orders and has failed to prosecute. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Hendricks' Report and Recommendation and incorporates it herein. It is therefore

ORDERED that this action is DISMISSED with prejudice for lack of prosecution and failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. BRYAN HARWELL
United States District Judge

Florence, South Carolina
October 29, 2008